IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 866 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SURESHBHAI B SONVANI - Petitioner(s)
Versus
GUJARAT WATER SUPLY &SWERAGE BOARD - Respondent(s)

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Appearance :
MR GM JOSHI for Petitioner(s) : 1,
MR DG CHAUHAN for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/05/2006

ORAL JUDGMENT

1.In the present petition, the petitioner has prayed for the benefits of continuity of service for all purposes including the monetary benefits. Facts, shortly stated, are that the services of the petitioner were

terminated on account of his failure to pass the departmental test within the permissible time and chances. He, therefore, approached this Court by filing Special Civil Application No.143 of 1987. The said petition came to be disposed by an order dated 16.3.92 whereby the petition was permitted to be withdrawn with a view to making a representation to the respondent Board. The Board had indicated that such a representation shall be considered. The petitioner eventually came to be reinstated in service, however, without continuity. It is the case of the petitioner put forth by the learned advocate that subsequently he came to know that some similarly situated persons have been given the benefits of continuity as well. He, therefore, represented to the Board. His request, however, was turned down on the ground that he had already given an undertaking to the effect that he would not claim the benefits of past service. The petitioner has, therefore, filed this petition for the above relief.

2. Since the petitioner had already withdrawn his earlier petition and had also undertaken before the Authorities that he will not claim past service benefits, I do not find it appropriate to entertain the

present petition. However, if the petitioner makes out a case that under similar circumstances other employees were given similar benefits, his case should receive consideration by the Authorities. Learned advocate for the respondent also submitted that if the petitioner makes a representation afresh, the entire issue will be reconsidered and the Board will decide the representation expeditiously. Therefore, while disposing of this petition, the petitioner is permitted to make a fresh representation. If such a representation is made within a period of two weeks from today, the same shall be disposed of within three months thereafter. The petition is disposed of with the above directions. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)